

OLC RECORD COPY

OLC: 78-2085/1
5 June 1978

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MEMORANDUM FOR: [REDACTED]
Acting Legislative Counsel
FROM: [REDACTED]
Acting Chief/Coordination and Review Staff
SUBJECT: Congressional Staff Clearances
REFERENCE: OLC: 78-2085, 5 June 1978

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1. You may not be aware of the guidelines and procedures package I have prepared for forwarding to the DCI. A copy is attached. It is currently being coordinated with the Office of Security.

2. I feel strongly that we would be making a mistake in going to the Staff Directors without a formal set of guidelines upon which we can base our arguments for reducing compartmented clearances and before we have notified the Leadership of what we are doing. The attached package contains a letter for the DCI to send to the President of the Senate and the Speaker of the House.

3. I believe, moreover, that once we get the package signed and the letters out, the most productive approach would be to send the Committee Staff Directors copies of the guidelines and ask them to come up with revised lists of their staffers who need compartmented clearances, along with a clear specification of need-to-know in each case.

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Attachments:
As stated

Distribution:
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OLC:PLC/GMC:mlg (5 June 1978)

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Approved For Release 2004/10/12 : CIA-RDP81M00980R002300060098-4

MEMORANDUM FOR: Director of Central Intelligence

FROM : [] Acting Legislative Counsel

SUBJECT : Formalization of Centralized Community Handling
of Compartmented Clearances For Congressional
Staff []

STAT

1. (IUO) Action Requested: That you approve the attached guidelines and procedures to implement centralized Community handling of requests for compartmented access approval for Congressional staff. That you sign the attached letter to the Senate and House Leadership formally initiating this procedure unless you choose to do so by personally contacting them.

2. (IUO) Background: The Community has already been notified via the DCI Security Committee that your Legislative Counsel is the focal point for the processing of requests for compartmented access approvals for Congressional staff. Departments and agencies are now referring Congressional requests to my office for review and concurrence. The attachment formalizes guidelines and procedures that are essentially already being adhered to. It specifies that your Legislative Counsel will certify need-to-know and that your Director of Security will assure uniform application of the security criteria of DCID 1/14. These review responsibilities should assure effective control of the issuance of compartmented clearances to Congressional staff.

3. (IUO) The Special Security Center has requested all Community components to submit current listings of compartmented clearances issued to Congressional staff. These will be checked against the central data base and reviewed to assess need-to-know and the proper application of security criteria. The attached letter from you to the Senate and House Leaderships informs them of recent steps you have taken to stem the

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proliferation of compartmented clearances; reiterates your continued concern; and informs the Leadership that your Legislative Counsel will undertake a comprehensive reassessment of Congressional staff need-to-know in cooperation with individual committee Chairmen and staff directors.

4. (IUO) Staff Position: The Office of Security has been consulted and is in agreement with the attached set of guidelines and procedures and with the plan of action set forth above.

5. (IUO) Recommendation: That you approve the attached guidelines and procedures and authorize us to prepare to proceed along the lines indicated in paragraph three. That you sign the attached letter to the Senate and House Leadership formally initiating this procedure, unless you choose to do so by personally contacting them.



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Attachment

APPROVAL:

Director of Central Intelligence

Date

DISAPPROVAL:

Director of Central Intelligence

Date

GUIDELINES AND PROCEDURES FOR THE ISSUANCE
OF COMPARTMENTED CLEARANCES TO
THE CONGRESS

At the direction of the Director of Central Intelligence, to centralize the issuance of compartmented access approvals to staff members of Congress, including the General Accounting Office and the Library of Congress, and thereby assure the uniform and strict application of need-to-know and personnel security criteria, the following guidelines and procedures are established effective immediately.

A. The DCI's Legislative Counsel shall serve as the Intelligence Community focal point for the management of all matters pertaining to access by staff personnel of the Congress to intelligence maintained and controlled within the SI, TK [] compartmentation. The DCI's Legislative Counsel, acting on behalf of the DCI, shall assume responsibility for the handling of all such requests and shall validate the need-to-know. Such requests will also be reviewed by the DCI's Director of Security to assure proper uniform application of security criteria for access under the provisions of DCID 1/14.

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B. All requests received by departments and agencies for approvals of access to intelligence controlled within the SI, TK [] compartmentation will be submitted to the DCI's Legislative Counsel for review and concurrence. Requests must clearly specify need to know. Issues arising in regard to particular requests will be referred to the Director of Central Intelligence for resolution.

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C. All requests for approvals of access to intelligence controlled within any system of compartmentation for any employees of the General Accounting Office or the Library of Congress will be submitted to the

DCI's Legislative Counsel and will be personally approved by the DCI.

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Such requests must be at the direction of a congressional committee and by letter from the committee Chairman to the department or agency involved, fully stating the congressional requirements.

D. Access to compartmented information will be approved only for permanent staff persons of congressional committees designated by committee or subcommittee Chairmen, and to selected members of the leadership staffs as designated by the President and President Pro-Tempore of the Senate, the Speaker of the House of Representatives and the Majority and Minority Leaders of both Houses respectively. Personal staff of Members of Congress shall not be granted compartmented clearances.

E. The following criteria will be used to establish need-to-know:

1. Direct involvement in authorization legislation pertaining to Intelligence Community agencies;
2. Direct involvement in appropriations legislation for Intelligence Community agencies;
3. Direct involvement in reviews authorized by law of activities of Intelligence Community agencies;
4. Direct involvement in oversight responsibilities carried out by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence;
5. Direct involvement in other legislative matters which of necessity require direct access to compartmented intelligence.

Every effort will be made to satisfy Congressional requirements for information by providing noncompartmented or sanitized material which does not reveal the manner of collection or acquisition. Direct

access to compartmented information will not be approved unless sanitization or the provision of noncompartmented information is shown to be inadequate to meet the Congressional requirement.

F. Access approvals will be valid only so long as they are necessary, and approvals granted for particular requirements will be terminated when those requirements have been met. All approvals will be included in the central data base maintained by the Special Security Center under the direction of the DCI's Director of Security.

G. All persons, excluding Members of Congress, granted access to compartmented intelligence information shall have been the subject of a prior investigation meeting the criteria set forth in DCID 1/14. Security investigations of Congressional staff persons may be conducted under agreed upon arrangements with Chairmen of committees or subcommittees as appropriate. Investigations will generally be conducted by the Department of Defense, the FBI, or the Civil Service Commission, depending upon the particular arrangements made. The agency or department sponsoring the clearance will assume responsibility for assuring the conduct of an appropriate investigation. Security determinations made by sponsoring agencies or departments will be reviewed by the DCI's Director of Security to assure the proper uniform application of security criteria under DCID 1/14.

H. No materials controlled within a system of compartmentation will be provided to any requester for retention without the approval of the DCI's Legislative Counsel and unless maintained in storage facilities which meet prescribed physical security requirements and are so certified by the Special Security Center.

Date

Director of Central Intelligence

Honorable Walter Mondale
President of the Senate
United States Senate
Washington, D.C. 20510

Honorable Thomas P. O'Neill
Speaker of the House
House of Representatives
Washington, D.C. 20515

Dear Sirs:

In view of my statutory responsibility to protect intelligence sources and methods, I became most concerned by the proliferation of highly sensitive intelligence collected and maintained within systems of compartmentation. I initiated a review within the Executive Branch to reassess the justification for existing clearances and to limit issuing future clearances based on the strictest application of need-to-know.

This same concern extends to the Legislative Branch. As you know, for a number of years staff personnel of our congressional oversight committees have been granted access to highly sensitive compartmented intelligence information. However, due to the broadening of interests in foreign intelligence within the Congress, access has been extended to staffs of other committees. It is imperative that a review, similar to that underway within the Executive Branch, be undertaken within the Legislative Branch to assure that current and future access to highly sensitive intelligence information is clearly justifiable.

Accordingly, I have designated my Legislative Counsel to serve as the focal point to review all requests for such access for congressional staff personnel. His office will contact the Chairmen and staff directors

of those committees concerned to assess the justification of existing clearances and to establish agreed upon guidelines to assess critically the need-to-know for future clearances. I do not intend in any way to impede or impair the work of any committee which requires access to sensitive intelligence. It is my concern, however, that the need-to-know be shown to be clearly warranted. In this regard, experience has shown that most congressional requirements for substantive intelligence can be satisfied without access to highly sensitive sources and methods information.

Where there is a clear justifiable need, Members of Congress are given access to sensitive intelligence information. Personal staff of Members, however, have been denied such access as a matter of policy. The only exception which I am initiating at this time, is to grant selected members of the personal staffs of the Leadership of the Congress access since their principals receive sensitive intelligence on a regular basis and require staff assistance. This will include designated personal staff members from the staffs of your offices, the President Pro Tempore of the Senate, and Majority and Minority Leaders of both the Senate and the House. My Legislative Counsel will be contacting your offices to determine which staff personnel you have designated for such access. I recently received a letter signed jointly by Senate Majority Leader Robert Byrd and Senate Minority Leader Howard Baker submitting a request for staff access which will be honored and handled directly with their offices.

It is my firm belief that these procedures will not interfere with the proper flow of intelligence to the Congress, but will serve to enhance the protection of highly sensitive intelligence information by limiting access to an absolute need-to-know. I would welcome your support to facilitate acceptance of these procedures by committee Chairmen in any way that you deem appropriate.

Yours sincerely,

STANSFIELD TURNER